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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/976,039

10/15/2001

Edward J. Kuebert

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EXAMINER

BASS, JON M

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/976,039	EDWARD KUEBERT	
	Examiner	Art Unit	
	Jon Bass	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Status of Claims**

1. Applicant has noted that the prior art by Fleckenstein 2004/0211834 A1 does not qualify as prior art due the publication date of the application. The Examiner agrees with the applicant.

***Response to Amendment***

2. Applicant's arguments filed on October 20, 2005 have been considered.
3. The Examiner has added new prior art that directly relates to the pending application.
4. Below is the updated Office Action.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for

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patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 5-7, 11-18, 20, 26, 29 and 30** are rejected under 35 U.S.C. 102(e) as being anticipated by Christine Ray (US Publication 2004/0128207 A1), hereinafter referenced as Ray.

**As Per Claim 1:**

Ray discloses a method for changing the delivery point of an item while the item is en route, comprising:

determining a first delivery point of the item, [{page 2, 0016}, first address plant being first delivery point];

notifying, based on the first delivery point, a recipient that the item is en route, [{page 1, 0007}, item delivery notification, send first notification to recipient];

accepting at least one instruction designating a second delivery point, [{page 2, 0016}, first address plant(140), an alternative address plant, alternative address plant being second delivery point]; and

delivering the item to the second delivery point, [{page 2, 0021}], all items sent to first address are detected by delivery system, relabeled and then forwarded to alternative address];

**As Per Claim 2:**

Ray discloses the method wherein accepting the at least one instruction comprises accepting at least one instruction from the recipient, [{page 1, 0007}], Ray discloses instructions in 0007, if the item is not successfully delivered to the recipient at the first address. Ray displays instruction where if something doesn't occur then send to another destination].

**As Per Claim 3:**

Ray discloses the method wherein accepting at least one instruction designating a second delivery point comprises: notifying a sender of the item, [{page 1, 0007}], sending a third notification to the sender]; and

allowing the sender to specify whether to deliver to the first delivery point or the second delivery point, [{page 1, 0007}], that sending a notification to the sender address notifying that the item has been delivered. Its suggested that once the sender receives notification, an option of what point to deliver is given].

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**As Per Claim 4:**

Ray discloses the method wherein delivering the item to the second delivery point comprises:

notifying the sender, if actual delivery is made, [{page 1, 0007}], the second notification indicating that the item has been delivered]; and

requesting disposition instructions from the sender, if delivery was not made, [{page 1, 0007}], sending a third notification to a sender at the sender notification address if the item is not successfully delivered. Disposition is interpreted as meaning arrangement].

**As Per Claim 5:**

Ray discloses a method for changing the delivery point of an item while the item is en route, comprising:

determining a first delivery point of the item, [{page 2, 0016}], first address plant being first delivery point];

notifying a sender that the item is en route, [{page 1, 0007}], item delivery notification send first notification to recipient];

accepting a second delivery point from the sender, [{page 2, 0016}], first address plant an alternative address plant alternative address plant being second delivery point]; and

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delivering the item to the second delivery point, [{page 2, 0021}], all items sent to first address are detected by delivery system, relabeled, and then forwarded (second delivery point) to alternative address].

**As Per Claim 6:**

Ray discloses a method for handling an undeliverable item, comprising:

notifying a sender of the item that the item is undeliverable, {page 1 0007}, sending notification to the sender at the sender notification address that item is not successfully delivered];

accepting a disposition instruction from the sender, [{page 1, 0007}], sending a third notification to a sender at the sender notification address if the item is not successfully delivered. Disposition is interpreted as meaning arrangement]; and

handling the item according to the disposition instruction, [{page 2, 0021}], forwarded to alternative address].

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**As Per Claim 7:**

Ray discloses a method wherein the disposition instruction is an instruction to return the item to the sender, [{page 2, 0020}, sent to return address].

**As Per Claim 11:**

Ray discloses a system for changing the delivery point of an item while the item is en route, comprising:

means for determining a first delivery point of the item, [{page 2, 0016}, first address plant being first delivery point];

means for notifying, based on the first delivery point, a recipient that the item is en route, [{page 1, 0007}, item delivery notification send first notification to recipient]

means for accepting a second delivery point from the recipient, [{page 2, 0016}, first address plant an alternative address plant alternative address plant being second delivery point]; and

means for delivering the item to the second delivery point, [{page 2, 0021}, all items sent to first address are detected by delivery system, relabeled, and then forwarded (second delivery point) to alternative address].



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**As Per Claim 12:**

Ray discloses a system for changing the delivery point of an item while the item is en route, comprising:

means for determining a first delivery point of the item, [{page 16, 0154}, can determine delivery point from shipping information on package];

means for notifying a sender that the item is en route, [{page 16, 0152}, shipping instructions can be made after package has been shipped];

means for accepting a second delivery point from the sender, [{page 16, 0154}, information record can be changed, updated while package is in transit]; and

means for delivering the item to the second delivery point, [{page 16, 0160}, package delivery instructions are used to deliver to destination].

**As Per Claim 13:**

Ray discloses a system for handling an undeliverable item, comprising:

means for notifying a sender of the item that the item is undeliverable, [{page 1, 0007}, that sending notification to sender if the item is not successfully delivered];

means for accepting a disposition instruction from the sender, [{{page 1, 0007}}, that sending notification to sender if the item is not successfully delivered] and

means for handling the item according to the disposition instruction, [{{page 2, 0019}}, if determined undeliverable may forward to alternative processing point].

**As Per Claim 14:**

Ray discloses a method to flexibly deliver an item, comprising:

determining a first delivery point of the item, [{{page 3, 0026}}, notification is sent indicating item has been placed in delivery system];

providing a notification to indicate that the item is en route to the first delivery point, [{{page 3, 0026}}, notification is sent indicating item has been placed in delivery system];

conditionally accepting a second delivery point of the item, [{{page 2, 0020}}, address indicates where sender want item to be return or sent to]; and

delivering the item to one of the first delivery point and second delivery point based on the conditional acceptance of the second delivery point, [{{page 3 0027}}, the package is delivered

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to address on item].

**As Per Claim 15:**

Ray discloses the method further comprising:

providing information to indicate that the item was delivered to one of the first delivery point and second delivery point, [{page 1, 0007}, sending notification is successfully delivered].

**As Per Claim 16:**

Ray disclose the method further comprising:

providing information to indicate that the item was not delivered, when the first delivery point and second delivery point are undeliverable, [{page 1,0007}, sending notification if not successfully delivered].

**As Per Claim 17:**

Ray discloses the method further comprising:

accepting at least one additional delivery point for the item, [{page 2, 0021}alternative address]; and delivering the item to the at least one additional delivery point, [{page 2, 0021} forwarded to alternative address].

**As Per Claim 18:**

Ray discloses the method of further comprising:  
providing at least one additional notification based on delivery of the item to the at least one additional delivery point, [{page 1, 0007}, sending a third notification to a sender at the sender notification address if the item is not successfully delivered].

**As Per Claim 20:**

Ray discloses the method wherein conditionally accepting the second delivery point of the item, comprises:  
requesting, from the sender, an approval of the second delivery point, [{page 2, 0021}, once the delivery system is notified of alternative address then sent to alternative address].

**As Per Claim 26:**

Ray discloses the method wherein providing the notification to indicate that the item is en route to the first delivery point comprises providing information to indicate a time the item will arrive at the first delivery point, [{page 1, 0008}, first item is delivered to first address].

**As Per Claim 29:**

Ray discloses the method wherein conditionally accepting a second delivery point of the item is based on receiving an approval from a sender of the item, [{page 2, 0021}, once the delivery system is notified of alternative address then sent to alternative address].

**As Per Claim 30:**

Ray discloses a system for flexible delivery of an item, comprising:

means for determining a first delivery point of the item, [{page 3, 0026}, notification is sent indicating item has been placed in delivery system].

means for providing a notification to indicate that the item is en route to the first delivery point, [{page 3, 0026}, notification is sent indicating item has been placed in delivery system];

means for conditionally accepting a second delivery point / of the item, [{page 2, 0020}, address indicates where sender wants the item to be return or sent to], and

means for delivering the item to one of the first delivery point and second delivery point based on the conditional

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acceptance of the second delivery point, [{page 3, 0027}, the package is delivered to address on item].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

***1. Claims 8-10, 19, 21, 22, 25, 27 and 28 are rejected under 35***

***U.S.C. 103(a) as being unpatentable over Christine Ray (US***

***Publication Number 2004/0128207), hereinafter referenced as***

***Ray in view of David Wilz et al (US Publication Number***

***2003/0173405), hereinafter referred as Wilz.***

**As Per Claim 8-10:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method wherein the disposition instruction is an instruction to auction the item.

However Wilz discloses a method wherein the disposition instruction is an instruction to auction the item, donate an item, and dispose of the item, [{page 3, 0036}, RTD Internet server is used for up date delivery information, and the handling instructions and the like].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Wilz's system and method to emulate an invention that deals with sending a notification to sender and the recipient with instructions on how to handle the item, which additionally verifies the products data and its origin.

**As Per Claim 19:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method wherein determining a first delivery point of the item comprises capturing an image of the item,

However Wilz discloses a method wherein method wherein determining a first delivery point of the item comprises capturing an image of the item, [{page 13, 0137}, device for capturing images].

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Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Wilz's system and method to emulate an invention that deals with sending a notification to sender and the recipient with capturing an image of the item, which additionally verifies the products data and its origin.

**As Per Claim 21:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method further comprising: determining at least one characteristic of the item.

However Wilz discloses a method wherein determining at least one characteristic of the item, [{page 13, 0137}, device for capturing images allows the determination of one characteristics to be stored in database].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Wilz's system and method to emulate an invention that deals with sending a notification to sender and the recipient with characteristic of the item, which additionally verifies the products data and its origin.



**As Per Claim 22:**

Ray discloses the method wherein providing the notification to indicate that the item is en route to the first delivery point includes information indicating the at least one characteristic of the item, [{page 1, 0008}, first item is delivered to first address].

**As Per Claim 25:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method wherein determining the at least one characteristic of the item comprises capturing an image of the item.

However Wilz discloses a method wherein determining the at least one characteristic of the item comprises capturing an image of the item, [{page 13, 0137}, device for capturing image]

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Wilz's system and method to emulate an invention that deals with sending a notification to sender and the recipient with capturing an image of the item, which additionally verifies the products data and its origin.

**As Per Claim 27:**

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Ray discloses a method for sending a notification to sender and the recipient but lacks the method, wherein conditionally accepting the second delivery point of the item comprises accepting a specified time for the item to arrive.

However Wilz discloses a method wherein conditionally accepting the second delivery point of the item comprises accepting a specified time for the item to arrive, [{page 16, 0154}, package delivery instruction (date, time and location)].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Wilz's system and method to emulate an invention that deals with sending a notification to sender and the recipient with specified time for the item to arrive, which additionally verifies the products data and its origin.

**As Per Claim 28:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method wherein conditionally accepting a second delivery point of the item is based on verifying an identity of a recipient for the item.

However Wilz discloses a method wherein conditionally accepting a second delivery point of the item is based on verifying an

identity of a recipient for the item, [{page 16, 0154}, package delivery instruction audio or audio visual messages].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Wilz's system and method to emulate an invention that deals with sending a notification to sender and the recipient with on verifying an identity of a recipient for the item, which additionally verifies the products data and its origin.

**Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray (2004/0128207) in view of Ramsden (5,481,464).**

**As Per Claim 23:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method wherein determining the at least one characteristic of the item comprises determining a weight of the item.

However Ramsdens discloses wherein determining the at least one characteristic of the item comprises determining a weight of the item, [{page 1, lines 42-43}, packages need to be pre-weighed and sized before they can be accepted for shipment].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Ramsden's system and method to emulate an invention that deals with sending a notification to sender and the recipient with determining a weight of the item, which additionally verifies the products data and its origin.

**As Per Claim 24:**

Ray discloses a method for sending a notification to sender and the recipient but lacks the method wherein determining the at least one characteristic of the item comprises determining a size of the item.

However Ramsdens discloses the method wherein determining the at least one characteristic of the item comprises determining a size of the item, [{page 1, lines 42-43}, packages need to be pre-weighed and sized before they can be accepted for shipment].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Ray's method and system in conjunction with Ramsden's system and method to emulate an invention that deals with sending a notification to sender and the recipient with determining a

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weight of the item, which additionally verifies the products data and its origin.

**Conclusion**

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at **(571) 272-6905** between the hours of **9-6pm Monday through Friday**. The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

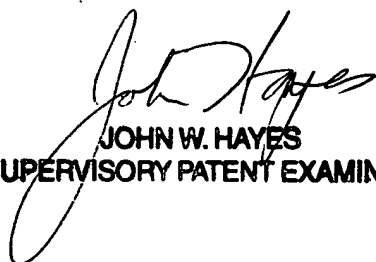
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**SUPERVISORY PATENT EXAMINER**